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REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on February 27, 2006. Claims 1-45 are standing for examination. The Examiner rejects claims 1-15 and 31-45 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1-8, 10, 16-23, 25, 31-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draginich et al. (US 6,560,329) hereinafter Draginich in view of Andersson (WO 01/01660 as cited in the IDS filed 7/8/05). Claims 9, 24 and 39 are rejected under 35 U.S.C. 103 as being unpatentable over Draginich in view of Andersson and further in view of Dhir (US 6,553,113) hereinafter Dhir. Claims 11, 13-15, 26, 28-30, 41 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draginich, Andersson and further in view of Goss (US 6,687,241) hereinafter Goss. Claims 12, 27 and 42 are rejected under 35 U.S.C. 103 as being unpatentable over Draginich, Andersson and further in view of Shtivelman (US 5,926,539) hereinafter Shtivelman.

Applicant has carefully noted and reviewed the rejections, references and the Examiner's comments. Applicant herein presents valid arguments which clearly show the present application is patentable over the art presented by the Examiner.

Applicant asserts that the 101 rejection of claims 1-15 and 31-45, presented by the Examiner in the third round of prosecution, is unfounded. The Examiner states that the claims are non-statutory. The Examiner explains that in order to be statutory, the claims must either have independent physical acts, or manipulation of data representing physical objects or activities, or to be limited to a practical application by producing a concrete, tangible and useful result. The Examiner recommends that the claims be amended such that the data that is collected, integrated, and rendered is used in some means to produce a tangible result, such as the routing of a call.

Applicant argues that the presented claims are for a process of monitoring communication devices, collecting and rendering data to specific recited applications and believes said positively recited processes produce a tangible and useful result. Applicant

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does not deem it necessary to limit the process for routing calls as the data may be used for a number of purposes which is not considered in the present application. Applicant believes claims 1-15 and 31-45 are statutory as required by the Office as argued above and as evidenced by the fact that this applicant has patented many such processes with the Office.

Regarding independent claims 1, 16 and 31, the Examiner states that Draginich discloses monitoring target resources and rendering capability information to routing applications (See column 6 lines 59-64 and Figure 4 of Draginich et al. for reference to monitoring agent status information and sending the status information, capability information, to a routing controller when an agent station changes state).

Applicant argues that Draginich does not monitor target agent resources and render capability information to routing applications as claimed. In the art of Draginich agent status regarding live services is sent from the station upon a change of state of a communication line. Draginich does not teach that an agent station may have a plurality of communication devices; therefore there is no motivation for Draginich to monitor as all information is pushed to the controller from the station as the agent state changes.

The Examiner further states that Draginich further discloses a first portion for collecting data regarding capability of the target agent resources (See column 4 lines 36-45, column 6 lines 59-64 and Figures 1 and 4 of Draginich et al. for reference to agent stations 11-14 sending status information to a routing controller 20 meaning that there is a first program portion to monitor for a change in agent station status, or collect capability data, and send this information to the routing controller 20).

Applicant argues that it seems the Examiner may be adding content to the teachings of Draginich that is not actually present in the text. As argued above there is no motivation for Draginich to monitor for a change or collect capability data because as the agent's state changes, it is pushed to the controller. The Examiner's statement that because agent stations 11-14 of Draginich sends information must mean that there is a first program portion to monitor for a change in agent station status, or collect capability data is clearly adding content that is not actually taught in the art of Draginich.

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The Examiner states that Draginich also discloses a second portion for integrating the data and rendering the capability information to the routing application (See column 4 lines 46-54 and Figure 1 of Draginich et al. for reference to analyzing, or integrating, the agent status data and rendering this analyzed data to be used in routing calls).

Applicant disagrees with the Examiner's above interpretation of Draginich. Draginich does not teach integrating data received regarding status of the agent. Draginich clearly teaches that the agent status data is matched to the information gathered from the incoming call and/or caller. Applicant argues that Draginich does not have any reason to integrate data as claimed because the agent in Draginich is in one state or another, i.e. idle, ready, ringing, active, wrap up and hold.

The Examiner does admit that Draginich does not disclose that capability information includes protocol capability data. The Examiner provides the art of Andersson to teach applicant's limitation of a first portion for collecting data regarding capability of the target agent resources, including at least protocol capability. The Examiner states that Anderson teaches a database which holds agent skill sets and what media the agent station is capable of handling which reads on protocol capability.

Applicant argues that the combination of Draginich and Andersson fails to teach monitoring for protocol capability as claimed. Andersson merely stores what type of media the agent station is equipped to handle. There is no way the combination of Andersson and Draginich can dynamically monitor and discern what protocol capability is available because the actual capabilities of the station are not discerned only the type of equipment is at the station. Whether or not it is in working order or "capable" is unknown by the combined system of Draginich and Andersson.

In applicant's invention as claimed, a distributed software system is employed to monitor and report, in particular, protocol capabilities of agent's resources, and these capabilities are reported to subscribing applications, in particular routing applications, such that intelligent routing of all sorts of electronic transactions performed in a variety of different protocols, including telephone calls, e-mails, video-conferencing, Internet related events, and the like, may be done taking into account the specific capabilities of agent resources.

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Applicant believes independent claims 1, 16 and 31, as amended, are easily patentable over the art provided by the Examiner. Therefore, dependent claims 2-15, 17-30 and 32-45 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the art, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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